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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,600	07/13/2001	David Dolson	CISCP250/4099	3606
22434	7590	06/18/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			AN, SHAWN S	
			ART UNIT	PAPER NUMBER
			2613	5

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,600

Applicant(s)

DOLSON ET AL.

Examiner

Shawn S An

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 9-15, 24-29 and 39-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 16, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 2-8, 17-23 and 32-38 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

Response to Restriction/Election

1. Applicants' election with traverse of Group I, which reads on claims 1-8, 16-23, and 31-38, and withdrawing the non-elected claims from consideration as in Paper No. 4 has been acknowledged. The traversal is based on the ground(s) that all claims in Group I relate to reformatting a video stream. The Examiner concurs. The requirement is now deemed proper and is therefore made FINAL.

Note: Applicant's statement about claim 31 being an independent claim is incorrect. The claim 31 depends from an independent claim 30. Therefore, the Examiner will consider the claim 30 as an elected claim as well.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 30 is rejected under 35 U.S.C. 102(e) as being anticipated by Liang et al (US 2002/0196853 A1).

Regarding claim 30, Liang et al discloses a transcoder including a pan-scan module (Fig. 25; col. 21, para. 0315-0317).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tahara et al (6,560,282 B2).

Regarding claims 1 and 16, Tahara et al discloses a method of determining if the content of a source MPEG-2 stream may be reduced, the method comprising the steps of:

examining the source stream to determine if a sequence_display_extension follows the most recent sequence header and sequence extension (col. 46, lines 40-67; col. 47, lines 1-21);

confirming the horizontal size and the display horizontal size as well as the vertical size and the display vertical size (Figs. 40-41); and

possibly reducing the content of the source stream to create a reformatted stream (Fig. 32).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing the method of determining if the content of a source MPEG-2 stream may be reformatted as taught by Tahara et al for possibly reducing the content of the source stream to create a reformatted stream by virtue of recognizing that horizontal/vertical size is greater than the display horizontal/vertical size to meet the required bandwidth limitation.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liang et al (US 2002/0196853 A1) in view of Tahara et al (6,560,282 B2).

Regarding claim 31, Liang et al does not particularly disclose examining the source stream to determine if a sequence_display_extension follows the most recent sequence header and sequence extension, confirming the horizontal size is greater than the display horizontal size or the vertical size is greater than the display vertical size, and if so, reducing the content of the source stream to create a reformatted stream.

However, Tahara et al discloses the method comprising the steps of: examining the source stream to determine if a sequence_display_extension follows the most recent sequence header and sequence extension (col. 46, lines 40-67; col. 47, lines 1-21);

confirming the horizontal size and the display horizontal size as well as the vertical size and the display vertical size (Figs. 40-41); and

possibly reducing the content of the source stream to create a reformatted stream (Fig. 32).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing the transcoder including a pan-scan module as taught by Liang et al to incorporate the concepts as taught by Tahara et al for possibly reducing the content of the source stream to create a reformatted stream by virtue of recognizing that horizontal/vertical size is greater than the display horizontal/vertical size to meet the required bandwidth limitation.

Allowable Subject Matter

7. Claims 2-8, 17-23, and 32-38 are objected to as being dependent upon a rejected base claims 1, 16, and 30, respectively, but would be allowable: if either one of claims 2, 17, or claim 32 is rewritten in independent form including all of the limitations of the base claims 1, 16, and 30, respectively, and any intervening claims.

Dependent claims 2-8, 17-23, and 32-38, recite the novel features comprising: calculating the values of: width_mb and height_mb;

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calculating the values of: top, bottom, left, and right;
calculating the values of: top_mb, bottom_mb, left_mb, and right_mb;
substituting into the reformatted stream a portion of new horizontal size for horizontal size and a portion of new vertical size for vertical size; and
substituting into the reformatted stream a portion of new horizontal size for horizontal size extension and a portion of new vertical size for vertical size extension.

The art of record fails to anticipate or make obvious the novel features. Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A) Kitamura et al (6,556,627 B2), Information processing apparatus, information processing method, and recording medium.

9. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The examiner can normally be reached on Flex hours (10).

11. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KEVIN S. AN
PATENT EXAMINER

SSA

Primary Patent Examiner

6/12/04